

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA,

v.

DAVID C. KERNELL

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No. 3:08-CR-142

JUDGES PHILLIPS/SHIRLEY

MOTION FOR LEAVE TO FILE NOTICE UNDER SEAL

Comes the defendant, David C. Kernell, pursuant to Rule 26.2(b) of the Rules of the United States District Court for the Eastern District of Tennessee, and hereby moves the Court for an order allowing him to file the accompanying proposed Notice under seal.

The basis for this motion is that the notice refers to legally protected information. The Rules of Criminal Procedure may require the filing of this notice with the Clerk; however, the relevant information is being disclosed directly to counsel, fulfilling the purpose of the notice requirement.

Respectfully submitted this 29th day of January, 2010.

RITCHIE, DILLARD & DAVIES, P.C.

/s/ Wade V. Davies

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been filed electronically this 29th day of January, 2010. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Wade V. Davies
WADE V. DAVIES